

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-against-

ERIC SMITH,

MEMORANDUM AND ORDER

14-CR-0264 (JS)

15-CR-0428 (JS)

Defendant.

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APPEARANCES

For the Government: Nicole Boeckmann, Esq.
United States Attorney's Office
Eastern District of New York
610 Federal Plaza
Central Islip, New York 11722

For the Defendant: Richard Ware Levitt, Esq.
Levitt & Kaizer
40 Fulton Street, 23rd Floor
New York, New York 10038

SEYBERT, District Judge:

The Court advises Defendant Eric Smith that:

- (1) It has no "understanding" with him as he notes in his January 14, 2020 correspondence.¹
- (2) This is a criminal prosecution and does not involve "chancery" or "equity rights" as claimed in Defendant's Letter.
- (3) All proceedings and issues have been public.

¹ Defendant's Letter can be found in case number 14-CR-0264, Docket Entry 614, and in case number 15-CR-0428, Docket Entry 78.

- (4) On November 12, 2019, at Defendant's request, this Court appointed counsel to assist Defendant with his post-judgment applications. Richard Levitt is an experienced criminal attorney well-versed in habeas proceedings. Defendant should consider his own lack of legal experience before discharging Mr. Levitt.
- (5) If Defendant has retained private counsel, as he mentions in his Letter, private counsel must promptly file a notice of appearance on the docket.
- (6) Defendant is reminded that certain statute of limitations may apply if he continues to delay his post-trial applications.

The Clerk of the Court is directed to mail a copy of this Order to the Defendant.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: February 5, 2020
Central Islip, New York